

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

YUE YU,	:	CIVIL ACTION NO. 09-2641 (MLC)
	:	
Plaintiff,	:	<b>O R D E R</b>
	:	
v.	:	
	:	
SANOFI-AVENTIS U.S. LLC,	:	
	:	
Defendant.	:	
_____	:	

**IT APPEARS** that this action, which was commenced on May 29, 2009, will be pending for 120 days without plaintiff having served defendant on September 28, 2009. As a result, the Court, inter alia, "on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice." Fed.R.Civ.P. 4(m) (emphasis added). The Court thus is notifying plaintiff that the Complaint will be dismissed on October 2, 2009, unless plaintiff establishes that service has been effected. See Sykes v. Blockbuster Video, 205 Fed.Appx. 961, 963-64 (3d Cir. 2006); Liu v. Oriental Buffet, 134 Fed.Appx. 544, 546 (3d Cir. 2005). For good cause appearing:

**IT IS THEREFORE** on this 18th day of September, 2009,  
**ORDERED** that **THE COMPLAINT WILL BE DISMISSED ON OCTOBER 2, 2009**,  
unless the plaintiff establishes that service has been effected;  
and

**IT IS FURTHER ORDERED** that the only acceptable response will  
be a response that is electronically filed by the plaintiff with  
the Court **BY 5 P.M. ON OCTOBER 1, 2009**; and

**IT IS FURTHER ORDERED** that if the plaintiff fails to respond  
to this Order, then the plaintiff will be deemed to be in support  
of dismissal.

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s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge